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5 Attorney for Debtors/Defendants
MARY McCARTHY O'LEE
6 HENRY JOSEPH O'LEE

7 UNITED STATES BANKRUPTCY COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 In re:) Case No.: 12-49760 EDJ
11)
12 MARY McCARTHY O'LEE) Chapter 7
HENRY JOSEPH O'LEE,)
13 Debtors.) Adv. Case No. 13-04059
14)

15 UNITED AMERICAN BANK,) **ANSWER TO COMPLAINT FOR**
16 Plaintiff) **NONDISCHARGEABILITY**
17)

18 v.)

19 MARY McCARTHY O'LEE)
HENRY JOSEPH O'LEE,)
20 Defendants.)

21 Defendants MARY McCARTHY O'LEE and HENRY JOSEPH O'LEE ("Debtors") as their
22 defense to the allegations in the Complaint by UNITED AMERICAN BANK for
23 NonDischargeability ("the Complaint") filed by Plaintiff UNITED AMERICAN BANK ("UNITED
24 AMERICAN BANK") states as follows:

25 1. With respect to the allegations set forth in Paragraphs 1 through 9 of the Complaint,

1 Debtors admit the allegations set forth therein.

2 2. With respect to the allegations set forth in Paragraphs 10 through 13 of the Complaint,
3 Debtors deny the allegations set forth therein.

4 **FIRST COUNT**

5 3. With respect to the allegations set forth in Paragraph 15 of the Complaint, Debtors
6 deny the allegations set forth therein.

7 **SECOND COUNT**

8 4. With respect to the allegations set forth in Paragraph 17 of the Complaint, Debtors
9 deny the allegations set forth therein.

10 **AFFIRMATIVE DEFENSES**

11 Debtor raises and alleges the following separate and distinct affirmative defenses to the
12 Complaint and each cause of action therein.

13 **FIRST AFFIRMATIVE DEFENSE**

14 1. AS FOR A FIRST, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO
15 THE COMPLAINT, the Complaint fails to state a claim upon which relief can be granted against
16 Debtors.

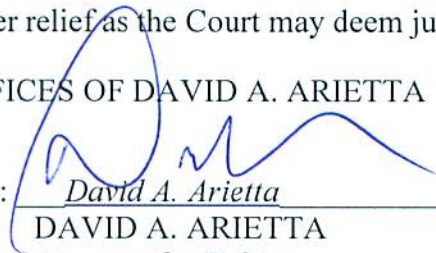
17 **WHEREFORE**, Debtors pray for relief as set forth below.

18 1. Plaintiff take nothing by its Complaint and that same be dismissed with prejudice;
19 2. That Defendants be entitled to reimbursement of costs of defense, including
20 reasonable attorney's fees as provided by contract or statute; and

21 3. The Court grant such other further relief as the Court may deem just and proper.

22 Dated: April 25, 2013

LAW OFFICES OF DAVID A. ARIETTA

23
24 By: 
25 DAVID A. ARIETTA
Attorney for Debtors

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15 UNITED AMERICAN BANK,
16 Plaintiff

CERTIFICATE OF SERVICE

17 v.

18 MARY McCARTHY O'LEE
HENRY JOSEPH O'LEE,
19 Defendants.
20)

21 I declare that I am over the age of 18 and not a party to this action. I am a resident of or
employed in the county where the mailing occurred. My business address is 700 Ygnacio Valley
22 Road, Suite 150, Walnut Creek, CA 94596.

23 On the date set forth below, I served the following documents:

24 **1. ANSWER TO COMPLAINT FOR NONDISCHARGEABILITY**

25 by placing a true and correct copy thereof enclosed in a sealed envelope addressed to the following
parties:

1 Catherine Schlomann Robertson
2 Law Offices of Pahl and Gosselin
3 225 W Santa Clara St. #1500
4 San Jose, CA 95113

5 I caused the envelope to be deposited at Walnut Creek, California in accordance with the
6 standard practice of our law office for collection and processing of correspondence for mailing. I
7 am familiar with our office's practice for collection and processing of correspondence for mailing.
8 Under that practice, mail is deposited, with postage thereon fully prepaid, with the United States
9 Postal Service on the same day in the ordinary course of business.

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct. Executed on April 25, 2013, at Walnut Creek, California.

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Sylvia Medrano